

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BEVERLY FORD-GREENE,

Plaintiff,

v.

NHS, INC. (a/k/a NHS CHILDREN'S
SERVICES AND NHS PHILADELPHIA),
LORI PASTER, and RACHEL MAID

Defendants.

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CIVIL ACTION

NO. 14-5846

ORDER

AND NOW, this 20th day of May, 2015, upon consideration of the Motion to Dismiss and to Strike by Defendants NHS, Inc., Lori Paster, and Rachael Maid (Docket No. 7), Plaintiff's Response in Opposition (Docket No. 9), and Defendants' Reply (Docket No. 10), it is hereby **ORDERED** that:

1. As to Count One, the Motion is **GRANTED IN PART and DENIED IN PART** as follows:
 - a. Plaintiff's failure to promote and hostile work environment claims are **DISMISSED WITH PREJUDICE** and the Motion is **GRANTED** as to those claims;
 - b. Plaintiff's intimidation and disenfranchisement claims are **DISMISSED WITHOUT PREJUDICE** and the Motion is **GRANTED** as to those claims;
 - c. Plaintiff's termination claim is not dismissed, and the Motion is **DENIED** as to that claim.
2. As to Count Two, the Motion is **GRANTED IN PART and DENIED IN PART** as follows:
 - a. Plaintiff's failure to promote and hostile work environment claims are **DISMISSED WITH PREJUDICE** and the Motion is **GRANTED** as to those claims;
 - b. Plaintiff's intimidation and disenfranchisement claims are **DISMISSED WITHOUT PREJUDICE** and the Motion is **GRANTED** as to those claims;
 - c. Plaintiff's termination claim is not dismissed, and the Motion is **DENIED** as to that claim.

3. As to Count Three, the Motion is **GRANTED IN PART and DENIED IN PART** as follows:
 - a. Plaintiff's failure to promote claim is **DISMISSED WITH PREJUDICE** and the Motion is **GRANTED** as to those claims;
 - b. Plaintiff's retaliation claim is not dismissed and the Motion is **DENIED** as to that claim.
4. As to Count Four, Defendants' Motion is **DENIED**.
5. As to Count Six, Defendants' Motion is **GRANTED** and Plaintiff's FLSA claim is **DISMISSED WITHOUT PREJUDICE**.
6. As to Count Seven, Defendants' Motion is **GRANTED** and Plaintiff's PAMWA and WPCL claims are **DISMISSED WITHOUT PREJUDICE**.
7. Defendants' Motion to Strike is **GRANTED IN PART and DENIED IN PART** as follows:
 - a. As to Footnote One of Paragraph 20(d) and the first sentence of Paragraph 30, the Motion is **GRANTED** and those allegations are **STRICKEN** from the Complaint;
 - b. As to the body of Paragraph 20(d), the second sentence of Paragraph 30, and Paragraphs 27, 28, 29, 31, 34, and 45, the Motion is **DENIED**.
8. Plaintiff has twenty (20) days in which to file an Amended Complaint.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.